

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance
(916) 322-5662

• • Administration • •
322-5660

• • Executive/Legal • •
322-5901

• • Enforcement • •
322-6441

June 5, 1985

Richard E. Marcus
Green & Goren
3340 Ocean Park Blvd.
Santa Monica, CA 90405

Re: FPPC Advice No. A-84-210

Dear Mr. Marcus:

Thank you for your letter dated May 8, 1985, in which you inquired about the reply to your request for advice dated August 15, 1984. I am at a loss to explain why you did not receive a reply to your August 15, 1984 letter, and I hope the oversight did not cause you any inconvenience.

You asked about the proper method of reporting a payment of \$4,727.80 by the Friends of Alatorre, and the subsequent reimbursement of the same amount received by the Friends of Alatorre. You indicated that the Friends of Alatorre paid \$4,727.80 to Cerrell Associates, Inc. for the costs of a slate mailer, with the understanding that Friends of Alatorre would be reimbursed. The entire amount received by Cerrell Associates was paid to Below, Tobe & Associates for printing costs. Friends of Alatorre was reimbursed the entire amount as follows:

- (1) \$3,972.80 by Cerrell Associates, which represented payments received by four other candidates for their share of the costs of the slate mailer;
- (2) \$250 was paid directly to Friends of Alatorre by two other committees for their share of the costs of the mailer.

Friends of Alatorre should report the payment and reimbursement of the \$4,727.80 in the following manner:

On Schedule E of the Form 490: Itemize the expenditure of \$4,727.80 to Cerrell Associates, Inc. In addition, pursuant to Gov. Code Section 84303, since Cerrell Associates was acting as an

Richard E. Marcus
June 5, 1985
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agent or independent contractor on behalf of the Friends of Alatorre, the committee must also itemize the payment to Below, Tobe. (Please refer to pages 36-37 of the "Information Manual on Campaign Disclosure Provisions" for an explanation of how to report payments made by agents and independent contractors.)

On Schedule G of the Form 490 (Miscellaneous Adjustments to Cash Position): Itemize receipt of the reimbursement of the \$4,727.80, and for each payment received, itemize the source of the payment, the amount, and provide a description (e.g., "reimbursement for cost of slate mailer").

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Pritchard".

Jeanne Pritchard
Political Reform Consultant
Technical Assistance and
Analysis Division

GREEN, GOREN & HOWARD
AN ACCOUNTANCY CORPORATION

F P F C

AUG 17 11 28 AM '84

340 OCEAN PARK BOULEVARD, SUITE 3070
SANTA MONICA, CALIFORNIA 90405
TELEPHONE (213) 450-8355

SANDY A. GREEN, CPA
JAN L. GOREN, CPA
DANIEL M. HOWARD, CPA
MERLYN K. JOHNSON, CPA
RICHARD E. MARCUS, CPA

August 15, 1984

Jean Pritchard
Fair Political Practices Commission
1100 K Street
Sacramento, California 95814

Dear Jean:

We are requesting the advice of the legal division of the Fair Political Practices Commission regarding proper presentation on the Consolidated Campaign Statement, Form 490, for the following fact situation:

Friends of Alatorre (hereinafter referred to as FOA), a "controlled committee", paid \$4,727.80 to Cerrell Associates, Inc. (hereinafter referred to as Cerrell) for the cost of a slate mailer. Cerrell had paid the exact amount to Below, Tobe & Associates for printing costs. Cerrell reimbursed FOA \$3,927.80, which represented funds collected from four candidates for their share of the slate mailer costs. The remaining \$800 was reimbursed to FOA as follows:

1. \$250 was paid by Cerrell on behalf of another candidate.
2. \$550 was paid directly from two other committees for their share of the slate mailer expense.

The slate mailer was compiled and mailed in the conventional manner. The Cerrell group approached FOA and informed them that they would put together a mailer and pay for it if it was approved by FOA. FOA and the Cerrell group decided upon whom to include on the slate. Once Cerrell had compiled the slate mailer, it was telecopied to the FOA group for their approval. FOA suggested slight changes to the mailer before final approval. The Cerrell group made all arrangements for the mailer except for printing.

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Jean Pritchard
August 15, 1984
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Please inform us as to the manner in which these facts should be presented on the Consolidated Campaign Statement.

If you have questions, please do not hesitate to call. Thank you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Richard E. Marcus".

RICHARD E. MARCUS
Green, Goren & Howard

jk

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August 17, 1984

Richard E. Marcus
Green, Goren & Howard
3340 Ocean Park Boulevard, Suite 3070
Santa Monica, CA 90405

Re: A-84-210

Dear Mr. Marcus:

Your letter requesting advice under the Political Reform Act has been referred to Jeanne Pritchard, a Political Reform Consultant in the Technical Assistance and Analysis Division of the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Ms. Pritchard directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

A handwritten signature in cursive script that reads 'Barbara A. Milman'.

Barbara A. Milman
General Counsel

BAM:plh